

10-CV-05080-CMP

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
TACOMA DIVISION

FILED RECEIVED LODGED  
FEB 04 2010  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA  
DEPUTY

Autumn Faouzi  
13415 Old Highway 99 SE  
Tenino, WA 98589

Plaintiff,

v.

Grimm Collections  
1677 S. 2<sup>nd</sup> Ave. SW  
Tumwater, WA 98512

Defendant.

Case No.:

C-10-5080 RBL

Judge:

COMPLAINT FOR DAMAGES  
UNDER THE FAIR DEBT  
COLLECTION PRACTICES ACT AND  
OTHER EQUITABLE RELIEF

JURY DEMAND ENDORSED HEREIN

JURISDICTION AND VENUE

1. Jurisdiction is founded on 28 U.S.C. §1331 pursuant to the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. §1692. Venue is proper because a substantial part of the events giving rise to this claim occurred in this judicial district.

FACTS COMMON TO ALL COUNTS

2. Plaintiff is a "consumer" as defined by 15 U.S.C. §1692a(3).
3. Plaintiff incurred a "debt" as defined by 15 U.S.C. §1692a(5).
4. At the time of the communications referenced herein, Defendant either owned the debt or was retained by the owner to collect the debt.
5. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. §1692a(6).
6. Plaintiff filed this claim within the timeframe permitted under the FDCPA.
7. On or around September 25, 2009, Plaintiff retained an attorney to file bankruptcy.

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8. On or around September 28, 2009, Plaintiff's bankruptcy attorneys notified Defendant through facsimile that Plaintiff was represented by a bankruptcy attorney and provided Plaintiff's attorney's contact information.
9. Plaintiff's attorney's notice instructed Defendant to cease all further communications with Plaintiff.
10. Despite this notice, Defendant telephoned Plaintiff on at least one occasion thereafter.
11. On or around December 7, 2009, Defendant telephoned Plaintiff.
12. During this communication, Defendant threatened to serve Plaintiff with a summons.
13. At the time of these communications, Defendant had neither the intent nor ability to serve Plaintiff with a summons.
14. Defendant damaged Plaintiff emotionally and mentally and caused Plaintiff substantial anxiety and stress.
15. Defendant violated the FDCPA.

**COUNT ONE**

**Violation of the Fair Debt Collection Practices Act**

16. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
17. Defendant violated 15 U.S.C. §1692c in that it communicated with Plaintiff notwithstanding Plaintiff's notice that Plaintiff was represented by an attorney.

**COUNT TWO**

**Violation of the Fair Debt Collection Practices Act**

18. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
19. Defendant violated 15 U.S.C. §1692c in that it communicated with Plaintiff notwithstanding its receipt of written cease and desist instructions.

**COUNT THREE**

**Violation of the Fair Debt Collection Practices Act**

20. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
21. Defendant violated 15 U.S.C. §1692e in that it falsely represented the character, amount, and/or legal status of the debt.

**COUNT FOUR**

**Violation of the Fair Debt Collection Practices Act**

22. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
23. Defendant violated 15 U.S.C. §1692e in that it threatened action that could not legally be taken and/or that was not intended to be taken.

**COUNT FIVE**

**Violation of the Fair Debt Collection Practices Act**

24. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
25. Defendant violated 15 U.S.C. §1692e by making misrepresentations during its communications with Plaintiff.

**COUNT SIX**

**Violation of the Fair Debt Collection Practices Act**

26. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
27. The Defendant violated 15 U.S.C. §1692f in that its actions were unfair and/or unconscionable means to collect the debt.

**JURY DEMAND**

28. Plaintiff demands a trial by jury.

**PRAYER FOR RELIEF**

29. Plaintiff prays for the following relief:

- a. Judgment against Defendant for actual damages, statutory damages, and costs and reasonable attorney's fees pursuant to 15 U.S.C. §1692k.
- b. For such other legal and/or equitable relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

Legal Helpers, P.C.

By: /s/ Mona Lisa C. Gacutan  
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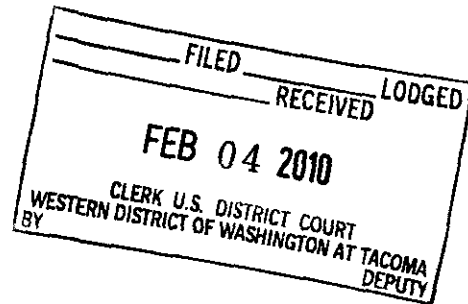
# LEGAL HELPERS, PC<sup>TM</sup>

America's Consumer Law Firm

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January 21, 2010

U.S. District Court  
Union Station Courthouse  
1717 Pacific Avenue  
Tacoma, WA 98402



Dear Clerk:

Enclosed, please find:

- (1) The original and three (3) copies the Cover Sheet,
- (2) The original and three (3) copies of the Complaint,
- (3) A copy of the summons, and
- (4) Check in the amount of \$350.00.

C10-5080 RBL

Please file the Complaint and return the Time Stamped copies to my firm headquarters in the enclosed envelope. If you have any questions, please feel free to contact me.

Very Truly,

  
Mona Lisa C. Gacutan